

REMARKS

In paragraph 3 of the Office Action Claim 17 was rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

Reconsideration is requested in view of this Amendment.

Claim 17 has been canceled and the newly presented claims do not use the term ``anti-smearing''. The term --smear-resistant-- has been used in new Claim 20 to point out that the property of stain resistance. For this reason, it is requested that this ground of rejection be withdrawn.

In paragraph 5 of the Office Action Claims 17 and 18 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the Applicant's invention.

Reconsideration is requested

Claims 15 to 19 have been cancelled, and new claims 20 to 22 have been submitted, to clearly distinguish the claimed invention from the cited patents. In drafting the new claims, care has been put to overcome any rejection grounds under 35 U.S.C. § 112.

New claim 20 points out that Applicant's modular **laminate coating element comprises central, top** and bottom layers which are thermo-coupled to one another and moreover, are die-cut and hot pressed to provide the top layer and central layer with surface marks or projections and recessed patterns. This feature is disclosed in Applicant's specification and, accordingly, does not add new matter to new claim 20.

A further feature of Applicant's modular coating element is that the tearable strip adhesive means projects

from the modular laminate coating element to allow said modular element to be coupled to like modular elements for coating a floor or a wall. This feature has been disclosed in the specification at pages 6 and 7.

In paragraph 7 of the Office Action, claims 15, 16, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Bender et al. Claims 15, 16 and 19 have been canceled and are no longer at issue. The Bender et al. patent discloses a laminate for forming shoe soles where the layers are flame coupled. The layers in the Bender et al. laminate are not provided with impressed surface marks or projecting surface marks or projecting or recessed portions as required by new claim 20. In addition, the prior art laminates are not suitable as "modular" laminates elements for covering floors or walls because the sole laminate does not have strip coupling means for coupling a laminated modular element to another modular element for covering a wall or floor. For these reasons, it is requested that the Bender et al. patent not be applied to reject the newly presented claims.

New claim 21 points out the additional feature that the Applicant's modular laminate containing element has a central layer with hot impressed surface marks or projecting marks and recessed patterns and new claim 22 points out a method of making a modular laminate coating element. Nothing in Bender et al. suggests these features.

In paragraph 9 of the Office Action, claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. in view of Latzke and further in view of Dessaint et al.

Reconsideration is requested.

The Bender et al. patent is limited to shoe sole materials and this patent has been distinguished from the newly presented claims. The Latzke patent is concerned with heat insulation and it is not disclosed as having a tearable adhesive strip means and moreover requires the presence of a

metal. New claim 23 clearly excludes the possibility that one layer may be of metal.

The Dessaint et al patent discloses a stain resistant finish for textile fabrics but it does not disclose the modular elements defined by the newly presented claims. For these reasons, it is requested that this ground of rejection not be applied against the newly presented claims.

In paragraph 10 of the Office Action, claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. in view of Cohen.

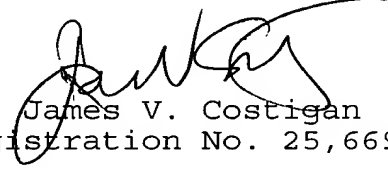
Reconsideration is requested.

Claim 18 has been canceled and new claim 22 corresponds to substantially to this claim. The references that were applied to reject claim 18 are both concerned with making shoe insoles and not with making modular elements for covering floors and walls. The cited references are both concerned with fitting the foot of the wearer of a shoe which does not suggest applying any of the information from these patents to the construction of a modular laminate for a floor or wall.

The sole elements of the prior art do not have hot surface impressed top and central layers and projecting and recessed patterns. Indeed, it is not seen how it would be obvious to modify a shoe sole by adding projecting or recessed patterns, particularly to the central layer, as this would not be expected to provide any benefit to the wearer of the shoe. For these reason, it is requested that this ground of rejection not be applied to reject the newly presented claims.

An early and favorable action is earnestly
solicited.

Respectfully submitted,



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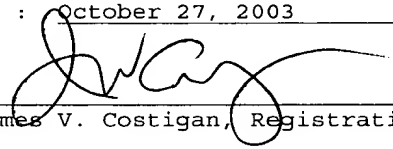
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